## REMARKS

In accordance with the foregoing, claims 1 and 3-12 are pending and under consideration. No new matter is presented in this Amendment.

## REJECTIONS UNDER DOUBLE PATENTING:

Claims 1 and 9 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 15 and 18 respectively of copending Application No. 10/685,701 in view of Nielsen (U.S. Patent 5,897,644).

Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/536,911 in view of Nielsen (U.S. Patent 5,897,644).

Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 20 of copending Application No. 10/280,127 in view of Nielsen (U.S. Patent 5,897,644).

Since claims 1 and 9 of the instant application have not yet been indicated as allowable, it is believed that any submission of a Terminal Disclaimer or arguments as to the non-obvious nature of the claim would be premature. As such, it is respectfully requested that Applicants be allowed to address any provisional obviousness-type double patenting issues remaining once the rejections of the claims under 35 U.S.C. § 103 are resolved.

## REJECTIONS UNDER 35 U.S.C. §103:

Claims 1, 3-9, 11 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nishi (U.S. Patent 6,681,395) in view of Nielsen (U.S. 5,897,644). The Applicants respectfully traverse the rejection and request reconsideration.

Regarding the rejection of independent claim 1, it is noted that claim 1 recites "device-aspect-ratio information included in the markup document." In contrast, Nishi teaches templates that may include aspect ratio information in an identifier thereof. By way of review, Nishi discloses a program guide that can be displayed in a suitable form by creating and storing various templates having different forms to be included in the program guide (Abstract; column 4, line 67 to column 5, line 3; FIG. 7). For example, a plurality of templates may be generated

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for a component of the program guide wherein each template has a different aspect ratio. Accordingly, a template suitable for an aspect ratio of a display device can be selected and displayed on the program guide (column 6, lines 10-24). However, in Nishi, the aspect ratio **is not included in the markup document** for the template, but included in an identifier of the template (i.e., the template name) (FIG. 7; column 6, lines 1-9; column 6, lines 31-35). As can be seen in FIG. 7 of Nishi, the table-form templates include the respective aspect ratios in the identifiers of the templates (column 6, lines 1-9; column 6, lines 31-35). Furthermore, as can be seen in the example code for a table-form template in columns 9 and 10, the aspect ratio of the device is not included in the markup document for the table-form template. Therefore, the Applicants respectfully submit that Nishi in view of Nielsen fails to disclose, implicitly or explicitly, a markup document including device-aspect-ratio information, as recited in claim 1.

Furthermore, regarding the rejection of independent claim 1, it is noted that claim 1 recites "an enhanced audio and/or video (ENAV) engine which... transforms the source markup picture into a markup picture according to the device-aspect-ratio information." The Examiner cites Nielsen for such a transformation of a source markup picture. However, there is no motivation to combine Nielsen with Nishi to teach a transforming of a source markup picture according to device-aspect-ratio information; particularly as such a combination would defeat the purpose of Nishi. Nishi discloses providing a plurality of markup pictures, each corresponding to a different aspect ratio. Such a disclosure of a plurality of markup pictures clearly teaches away from one markup picture that can be transformed to a proper aspect ratio. Therefore, the Applicants respectfully submit that Nishi in view of Nielsen fails to disclose, implicitly or explicitly, a transforming of a source markup picture into a markup picture according to device-aspect-ratio information, as recited in claim 1.

Regarding the rejection of claims 3 and 4, it is noted that these claims depend from claim 1 and are, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claim 5, it is noted that this claim depends from claim 1 and is, therefore, allowable for at least the reasons set forth above. In particular, it is noted that Nishi does not disclose including the device-aspect-ratio in the markup document, let alone writing the device-aspect-ratio information in the markup document using a property of a tag. Rather, as discussed above, the device-aspect-ratio is included in an identifier (i.e., file name) of the template (FIG. 7; column 6, lines 1-9; column 6, lines 31-35). As can be seen in the example code for a table-form template in columns 9 and 10, the aspect ratio of the device is not included

in the markup document for the table-form template. Therefore, the Applicants respectfully submit that Nishi in view of Nielsen fails to disclose, implicitly or explicitly, device-aspect-ratio information written in a markup document using a property of a tag, as recited in claim 5.

Regarding the rejection of claims 6-8, it is noted that these claims depend from claim 1 and are, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claim 9, the Applicants respectfully submit that claim 9 is allowable for at least the reasons set forth above with regards to claim 1. In particular, there is no motivation to combine Nielsen with Nishi to teach a transforming of a source markup picture according to device-aspect-ratio information; particularly as such a combination would defeat the purpose of Nishi.

Regarding the rejection of claim 11, it is noted that this claim depends from claim 9 and is, therefore, allowable for at least the reasons set forth above. Furthermore, it is noted that Nishi does not disclose device-aspect-ratio information included in the markup document, as explained above with reference to claim 1.

Regarding the rejection of claim 12, it is noted that this claim depends from claim 9 and is, therefore, allowable for at least the reasons set forth above.

Claim 10 is rejected under 35 U.S.C. §103(a) as being unpatentable over Nishi (U.S. Patent 6,681,395) in view of Nielsen (U.S. 5,897,644) and Rainville et al. (U.S. Publication 2002/0069411). The Applicants respectfully traverse the rejection and request reconsideration.

Regarding the rejection of claim 10, it is noted that this claim depends from claim 9 and is, therefore, allowable for at least the reasons set forth above.

Based on the foregoing, this rejection is respectfully requested to be withdrawn.

## CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.
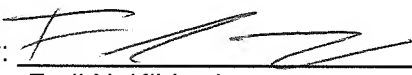
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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